Remarks

This Amendment and Response is being submitted in response to the Office Action dated April 19, 2004, for which a response is due August 19, 2004 with a one-month extension of time, which is being submitted herewith. In the Office Action, claims 1-3 and 9-19 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,496,474 issued to Nagatani et al ("Nagatani"). In addition, 4-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nagatani in view of U.S. Patent No. 6,275,520 issued to Nakamura et al. Claims 1-19 remain pending. Reexamination and reconsideration in light of the remarks made below are respectfully requested.

Applicant submits that Nagatani, taken alone or in combination with Nakamura, fails to teach or suggest the arrangement of the pending independent claims. In particular, Applicant submits that the cited references fail to teach the "combination control signal" of the pending independent claims.

It appears that the examiner has erroneously equated the clock signal generator 4 of Nagatani with the "combination control signal" of the claims. However, the clock signal generated by the clock signal generator 4 of Nagatani is used to "determine the operating speeds of the shift register 2 and the orthogonal M sequence generator 3." (See Nagatani, Col. 4:11-14). Correspondingly, in the present disclosure the clock signal CLK_{gen} of Figures 7 – 9B controls code generator 602, while clock signal CLK_{sr} controls registers 703 –

711 (See Specification, p. 6, lines 16-19). In particular, the "phase difference is usually generated by obtaining the clock signal CLK_{sr} of the shift register from a clock generator controlled in accordance with the tracking algorithm of the spreading code, and the clock signal CLK_{gen} of the code generator is generated by dividing the clock signal generated by the clock generator by a positive integer." (See Specification, p. 3, line 33 to p. 4 line 1).

However, the "combination control signal" of the independent claims is not related to operating speeds, such as would be the case with a clock signal (e.g., clock signal generator 4 of Nagatani, CLK_{gen}, CLK_{sr}, etc.). Rather, the combination control signals ec0 to ec3 and lc0 to lc3 of Figure 7 are recited as being "used to set weighting coefficients for the output registers 703 to 706." (See Specification, p. 6, lines 23-24). For example, in Figure 11D the "sum of the outputs of registers 703, 704, 705 and 706 is selected to the early branch, the sum being weighted with weighting coefficients 4, 3, 2 and 1, respectively . . . ." (See Specification, p. 10, lines 16 – 19). In sum, the "combination control signal" recited in the pending independent claims is not a clock signal of the type referred to in Nagatani. Applicant submits that, since there is no corresponding teaching or suggestion in Nagatani for the recited "combination control signal" of the claims, the pending claims are not anticipated nor rendered obvious by the cited references.
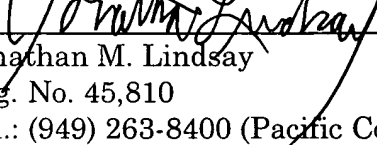
Applicant respectfully submits that the application is now in condition for allowance. Applicant further submits that the dependent claims are allowable

by virtue of depending on allowable base claims. If there are any questions regarding this Response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Respectfully submitted,

CROWELL & MORING LLP

Dated: August 19, 2004   By _____
Jonathan M. Lindsay
Reg. No. 45,810
Tel.: (949) 263-8400 (Pacific Coast)

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING   **FACSIMILE**

■ *deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.*

❑ *transmitted by facsimile to the Patent and Trademark Office.*

08/19/2004

_____   _____
Angela Williams   Date